

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 13-11297-GAO

TSLF DELRAY, LLC,
Plaintiff,

v.

DON WOODEN, MELINDA WOODEN, LAFAYETTE ONE, LLC, MELADON IX, LLC (a Delaware limited liability company), MELADON IX, LLC (a Florida limited liability company), MELADON DEVELOPMENT GROUP, LLC, MELADON MANAGEMENT PARTNERS, LLC, MELADON PARCEL B, LLC, OCEAN DEEP ENTERPRISES, LLC, PANPAC V, LLC, and WOODLAND DEVELOPMENT #3, LLC,
Defendants.

ORDER
March 27, 2014

O'TOOLE, D.J.

In a separate order entered today, I have denied the defendants' motion to dismiss as to ten of the twelve counts of the complaint, having found the allegations of those counts sufficiently "plausible" to pass the relevant test. Using a different template of analysis, I now conclude that the plaintiff has a reasonable likelihood of success on the merits of at least one or more of the claims. To give a particular example, the contract/implied covenant claims of Counts I and II that allege that the disposition of the sole asset of Lafayette One, LLC, amounted to a "discontinuance of the business" of the entity seem to be strong ones. Weighing that and the other factors relevant to preliminary injunctions, see Bl(a)ck Tea Society v. City of Boston, 378 F.3d 8, 11 (1st Cir. 2004), I find it appropriate to enjoin the defendants from any further transfers of money or property as described particularly below in order to maintain the status quo pending the final adjudication of this case. Therefore, the plaintiff's Amended Motion for Preliminary Injunction (dkt. no. 12) is GRANTED.

Upon consideration of the plaintiff's Verified Complaint, Amended Motion for a Preliminary Injunction, and supporting Memorandum of Law, the Court hereby orders that, until further Order by this Court:

- (i) Defendant Meladon Parcel B, LLC is prohibited from transferring, selling, conveying, pledging, mortgaging, and/or encumbering any and all real estate or other assets owned by it;
- (ii) Defendant PanPac V, LLC is prohibited from transferring, selling, conveying, pledging, mortgaging, and/or encumbering any and all real estate or other assets owned by it;
- (iii) Defendant Meladon Management Partners, LLC is prohibited from distributing, transferring, and/or conveying the proceeds from the brokerage commission it received in connection with the sale of real estate owned by Lafayette One, LLC to PanPac V, LLC; and
- (iv) Defendant Lafayette One, LLC is prohibited from distributing, transferring, and/or conveying the proceeds from the sale of real estate owned by Lafayette One, LLC to PanPac V, LLC.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge